

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13704, of William Calomiris, pursuant to Sub-section 8207.2 of the Zoning Regulations, for special exceptions under Paragraph 4104.44 to use the lobby, second and third floors of the subject premises as offices for a chancery, international agency, non-profit organization, labor union, architect, dentist, doctor, engineer, lawyer or similar professional person and under Paragraph 4101.46 to locate the required parking space at the PMI parking garage, 1101 17th Street (Square 183, Lot 857) which is not the same lot on which the proposed use is located in an SP-2 District at the premises 1112 16th Street, N.W., (Square 183, Lot 105).

HEARING DATE: March 17, 1982
DECISION DATE: April 7, 1982

FINDINGS OF FACT:

1. The case appeared on the preliminary calendar for the public hearing, because of the applicant's failure to post the subject property with notice of the public hearing ten days in advance of the hearing in accordance with the Supplemental Rules of Practice and Procedure. The applicant filed an affidavit of posting indicating that the property was posted on March 10, 1982 for seven days rather than ten. The Chairman ruled to waive the ten day requirement and hear the application.

2. The subject property is located on the west side of 16th Street between L and M Streets and is known as 1112 16th Street, N.W. It is in an SP-2 District.

3. The subject property is generally square in shape and measures eighty-four feet by approximately ninety-five feet. The site is improved with an eight story apartment house built in 1940. The site is bordered at the rear by a thirty foot wide public alley.

4. North and west of the subject property are office uses including professional offices, the Phillip Murray Building, the National Geographic Society, a labor union, and retail /office buildings under construction. To the east across 16th Street are office buildings, the Soviet Embassy and a private club. To the south are the offices of Planned Parenthood, an educational institution, residential and office uses, a private club and the Capital Hilton Hotel.

5. The subject building contains 58,005 square feet of gross floor area. The lobby floor is below grade and there is no basement. Each floor contains approximately 6,445 square feet. The lobby level contains 5,290 square feet. There is one main stairwell and two operating elevators. The building occupies 6,744 square feet or eighty-four percent of the 7,950 square foot site.

6. The applicant requests approval to use the lobby, second and third floors in the eight story, 114 unit apartment building as offices for a chancery, international agency, non-profit organization, labor union, architect, dentist, doctor, engineer, lawyer or similar professional persons and to locate the required parking space on a lot other than the lot on which the building is located.

7. The applicant proposes to convert thirty-one of the 114 units, or about 18,180 square feet, which is about thirty percent of the building. All but two of the 114 units are designed as efficiency apartments. The lobby floor contains one efficiency apartment that is presently vacant. The second floor contains fourteen efficiency units; all are vacant except one. The third floor contains fourteen efficiency units; all are vacant. There are fourteen units on each of the remaining six floors, all of which are rented or offered for rent to residential tenants.

8. The resident manager occupies a one-bedroom unit on the fourth floor. The remaining one-bedroom unit is located on the sixth floor.

9. The applicant anticipates six separate professional offices can be developed on the three floors. No change will be made to the structure other than new windows installed on the lobby, second and third floors. The expected hours of operation for the office use are between 9:00 A.M. and 5:00 P.M.

10. The applicant anticipates the building to be opened to the public from 7:00 A.M. through 6:00 P.M. during the week and locked at all other times.

11. The applicant will provide an attendant to maintain security in the building on a twenty-four hour basis, seven days a week. Also, a full-time professional maintenance engineer will be hired to reside on the premises to provide emergency daytime and evening service to the residential and office tenants.

12. The applicant will install a security system on the two existing elevators that will restrict access to the residential floors to persons with the appropriate key. A fourth floor elevator access key will be issued to those tenants on the fourth floor, a fifth floor elevator access

key will be issued to tenants on the fifth floor, etc. Doors leading to the fire stair on each floor will be reconstructed so as to permit exiting only from each floor except the lobby.

13. The applicant began to inform tenants of the building about a year ago of his plans to create a mixed use building. He proposed three options to the tenants: 1) The tenant could move up in the building to an acceptable unit with the applicant making up the difference in rent, if any, and paying moving expenses; 2) The tenant could move to another building which the applicant manages in the Washington area with the applicant making up the difference in rent and paying moving expenses; or 3) The tenant could choose where he or she wished to move with relocation expenses and moving cost paid by the applicant.

14. No off-street parking is provided on the subject site. For the proposed professional office use, one parking space is required.

15. The applicant will provide the one required off-street parking space and nine additional spaces for tenants at the PMI parking garage at 1101 17th Street, N.W. (Square 183, Lot 857). The PMI garage is a below grade facility approximately 200 feet from the subject site. Thirteen other private parking garages are within a two block radius of the site.

16. The subject site has excellent transportation services. Several bus routes operate along 16th Street and the nearest Metrorail station is within two blocks of the site.

17. Streets in the immediate vicinity of the subject site permit two hour parking between 9:00 A.M. and 4:00 P.M. daily. No on-street parking is permitted on weekends and holidays.

18. The Dupont Circle Citizens Association objected to the application on the grounds that the granting of the application is incompatible with the intent of the SP District and it creates a loss of residential units in the downtown area. The Association argued that the proposed use will create greater intensity and cause further congestion in the streets.

19. A representative of Benjamin Franklin University expressed concerns related to the trend toward leasing parking spaces at the PMI garage at 1101 17th Street. Lease of those spaces would decrease the availability of parking for students, particularly when on-street parking is inadequate.

20. Advisory Neighborhood Commission 2B, by letter dated March 17, 1982, recommended denial of the application, on the grounds that the subject property is one of the few remaining residential buildings in the 16th Street section of downtown and the permanent loss of over thirty units will further diminish the mixed use, buffer zone, transitional functions of the SP District. The ANC argued that the proposed commercial use will negatively impact upon the privacy of the residents on the upper floors decreasing the livability of the units. The ANC also stated that the proposed use will be more intense and will exacerbate the area's parking and traffic problems.

21. The Board is required by statute to give "great weight" to the issues and concerns of the ANC. In addressing the ANC's concerns as well as those raised by the Dupont Circle Citizens Association and Benjamin Franklin University, the Board finds that:

- (A) The application is not filed as a use variance. The applicant is not required to prove that the premises cannot be used for residential purposes. Furthermore, the proposed elimination of thirty-one units, in the Board's view, will not have a significant impact on the total number of housing units within the downtown area nor will it significantly diminish in any way the mixed use, transitional nature of the SP District. As noted above, this area is predominantly office in character, and there is little in the way of a change in uses that needs to be buffered.
- (B) The proposed professional offices on the lobby, second and third floors will not have an adverse impact on the residential units on the upper floors. The measures to be taken by the applicant are sufficient to assure a livable residential environment for the remaining units.
- (C) There is no evidence or testimony in the record to support the contention that the proposed professional offices will exacerbate the areas parking and traffic problems. The amount of proposed professional offices is limited. While the subject property has no off-street parking, thirteen commercial parking facilities exist in the general area.
- (D) As to the issue raised by the Benjamin Franklin University, the Board finds that the ten parking spaces to be leased by tenants of

the subject building is not a significant number of spaces nor will there be a precedent set by the leasing of those spaces. The Board further notes the accessible and extensive transportation services available in the area including Metrorail and bus service.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking two special exceptions. In order to be granted such exceptions, the applicant must demonstrate that it has complied with the requirements of Paragraph 4101.44 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. The use, height, bulk, and design are in harmony with existing uses and buildings. The site is well served by public transportation and there will be no adverse traffic conditions or other objectionable effects.

As to the special exception to locate the required parking space on a lot which is not the same lot on which the proposed use is to be located, the applicant must demonstrate that it has complied with the requirements of Paragraph 4101.46 of the Zoning Regulations. The Board concludes that the applicant has so complied. The proposed lot is located in the same square as the principal use is located and the number of parking spaces provided for the principal use does not exceed the minimum number of spaces required for the principal use. It is economically impracticable to locate such parking spaces within the principal building or on the same lot since the principal building occupies eighty-four percent of the lot and does not have a basement.


The Board further concludes that the special exceptions can be granted as in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps.

The Board also concludes that it has accorded the great weight to the ANC to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 5-0 (Walter B. Lewis, Douglas J. Patton, Connie Fortune, William F. McIntosh and Charles R. Norris to GRANT).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

JUL 29 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.